

**AGENDA  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – JUNE 3, 2015 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD  
PLEASE SILENCE ALL ELECTRONIC DEVICES DURING MEETING  
THANK YOU.**

(The Town of Edgewood Council is pleased to have residents of the community take time to attend Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcomed and should be given to the Clerk-Treasurer prior to the start of the meeting).

- **CALL TO ORDER.**
- **PLEDGE OF ALLEGIANCE.**
- 1. APPROVAL OF AGENDA.**
- 2. APPROVAL OF CONSENT AGENDA.**
  - A. Approval of the Draft Regular Council Meeting Minutes of May 20, 2015.
  - B. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes of May 19, 2015.
- 3. MATTERS FROM THE MAYOR.**
  - A. Acknowledgement to Bonnie Pettee.
  - B. Economic Development Tools.
- 4. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**
- 5. MATTERS FROM THE ATTORNEY.**
- 6. MATTERS FROM THE MUNICIPAL JUDGE.**
  - A. Judge White will present his report for the month of May 2015.
- 7. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.**
- 8. CALL FOR PUBLIC HEARING.**
  - A. Entranosa Water & Wastewater Cooperative Association is requesting annexation for 2.5 acres for property located at 284 Frost Road, Tract 4-A-3-B within the NE ¼ of Section 33, T11N, R7E, N.M.P.M. Santa Fe County, requesting Commercial – 1 (C-1) Zoning. (Council Meeting of July 1, 2015).
- 9. RESOLUTIONS.**
  - A. Resolution No. 2015-09. A Resolution Accepting West Willard Road for Road Maintenance.
  - B. Resolution No. 2015-08. A Resolution Authorizing a One (1) Year Moratorium on Sewer Connection Hook-Up Fees for Residential Type Housing Units Within Edgewood, New Mexico. (Continued from the Council Meeting of May 13, 2015).

- 10. MATTERS FROM THE ADMINISTRATOR.**
  - A. Cancel the Award for the Base Course Bid as approved at the Council Meeting of May 20,2015.
  - B. Award of Base Course Bid.
  - C. 2015-16 Budget Update.
- 11. ANNOUNCEMENTS and/or CALENDAR REVIEW.**
  - A. Regular Council Meeting – June 17, 2015 @ 6:30 P.M.
  - B. Regular Council Meeting – July 1, 2015 @ 6:30 P.M.
- 12. FUTURE AGENDA ITEMS.**
- 13. CLOSED SESSION.**

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(2) and (H)(7) the following will be discussed in Closed Session.

  - Limited Personnel Matters
  - Pending Litigation.
- 14. MOTION PER CLOSED SESSION.**
- 15. ADJOURN.**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Clerk at the Town Offices located at 1911 Historic Route 66, at least five (5) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Town Clerk at (505)286-4518, or by e-mail at [clerk@edgewood-nm.gov](mailto:clerk@edgewood-nm.gov) if a summary or other type of accessible format is needed. The complete council packet may be viewed on the web, visit [www.edgewood-nm.gov](http://www.edgewood-nm.gov) click on Agendas & Minutes.

**MINUTES  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – May 20, 2015 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

• **CALL TO ORDER.**

Mayor Hill called the meeting to order at 6:30 pm.

Councilors present were John Abrams, Sherry Abraham, Rita-Loy Simmons, and Chuck Ring. Also present were Steve Shepherd, Town Administrator, Vanessa Chavez, Town Attorney, Estefanie Muller, Clerk-Treasurer, Tracy Sweat, Planning & Zoning Assistant, and Bonnie Pettee, Town Secretary.

• **PLEDGE OF ALLEGIANCE.**

1. **APPROVAL OF AGENDA.**

Mayor Hill explained he would like to make a change to the Agenda, switching the order of Items 9 and 10.

**MOTION:** Councilor Abrams made a motion to approve the Agenda with the requested change. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

2. **APPROVAL OF CONSENT AGENDA.**

A. Approval of the Draft Regular Council Meeting Minutes of May 6, 2015. (Meeting cancelled and rescheduled for May 13, 2015).

B. Approval of the Draft Budget Workshop Meeting Minutes of May 9, 2015.

C. Approval of the Draft Regular Council Meeting Minutes of May 13, 2015.

D. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes May 5<sup>th</sup>. (Meeting was cancelled)

E. Acknowledge Receipt of the Draft Library Board Meeting Minutes and Library Report for the month of April, 2015.

F. Acknowledge Receipt of the Draft Animal Advisory Committee Meeting Minutes of April, 2015 and May, 2015.

G. Acknowledge Receipt of the Draft Parks & Recreation Meeting Minutes of April, 2015 and May, 2015.

**MOTION:** Councilor Abrams made a motion to accept the Consent Agenda with the exception of Item G, Parks and Recreation Meeting Minutes. Councilor Ring seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

Councilor Abrams explained that the Parks and Recreation Minutes mention a trail around Section 16. He was unaware of a trail there and asked for more information. Mayor Hill responded that there was a discussion to plan all amenities the area should include. He will check with Mr. Holden for further details.

\_\_\_\_ Initials

**MOTION:** Councilor Abrams made a motion to approve the Parks and Recreation Meeting Minutes of April and May. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**3. MATTERS FROM THE MAYOR.**

Mayor Hill noted that there were two recording devices in place this evening. Staff will watch to make sure they are working properly, so as not to repeat the problem with the audio from the last meeting.

He directed Council's attention to the GRT's at the back of the packet and stated that this report reflects a gross change. The Tax & Revenue Department has discovered the error in the previous monthly reports and is now trying to correct the situation.

Next month will be a true indication of our actual amount.

Councilor Abrams inquired as to how many months the error went back.

Estefanie Muller replied that as much as 2 quarters. She noted that the discrepancies happened state-wide.

Mayor Hill stated that he will bring forward a proposal as an Economic Development Tool for the Council's discussion and consideration. He added that all or part of it will be beneficial to the community.

**4. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Simmons commented on a man who walks his dog three times a day at the soccer field and meanwhile, picks up all the trash. She also inquired if the trash cans could be placed in a more organized fashion, so they would be easier to use.

Councilor Ring asked the Administration to conduct an investigation in the article that appeared in the Independent. He explained it was a violation of Standard Operation Procedures and the Personnel Ordinance. The information should have gone through the Town offices first.

Mayor Hill replied that he has spoken to an Attorney and there will be an investigation.

Councilor Abrams thanked all involved for moving the trails project forward. He also encouraged all the Music Festival Fans to buy a t-shirt this year. He explained that his daughter won the t-shirt design contest for Wild Life West.

Councilor Abraham commented on the Art & Brew event that was held at the Pizza Barn. This is a new concept that is catching on quickly in other communities. The Art & Brew will be a reoccurring event at the Pizza Barn. Councilor Abraham encouraged all to attend.

Councilor Simmons expressed her appreciation to all the other Councilors and Mayor Hill.

Mayor Hill added that Councilor Ring has had great involvement in the First Choice Complex. He noted there would be a Board of County Commissioner meeting on Tuesday in Santa Fe. He stated that Santa Fe County is presenting a Resolution at the meeting in support of the First Choice project. Bernalillo County, Torrance County and Moriarty have already stated their support for the project.

**5. MATTERS FROM THE ATTORNEY.**

There were none.

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**6. TOWN OF EDGEWOOD POLICE REPORT – Chief Radosevich.**

A. Police Report and Animal Control Report for the month of April, 2015.

Chief Radosevich presented his report and asked for any questions. He stated that Animal Control has been very busy and has had quick turn around on the adoption of animals.

He reported on the National Police Memorial which he attended in Washington, D.C. He was impressed with the President's speech and the time he spent with the families.

Chief Radosevich told a story about a trophy he was given from an Edgewood resident, whose daughter was stopped for speeding. In lieu of issuing a ticket, Officer Lovato made her call her father and tell him what happened. As it turns out, the daughter races cars on the weekends and won 1<sup>st</sup> place. In appreciation for the manner in which Officer Lovato handled the situation, the daughter wanted to present the trophy to Office Lovato.

**MOTION:** Councilor Abrams made a motion to approve the Police Report for the month of April. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**7. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.**

John Bassett commented on the Budget Review, specifically the Engineering Fees; how prices have change and the number of times the Town of Edgewood uses them. He inquired about the Subdivision and Zoning Ordinances adopted in March, 2015. He still has concerns and would like to know the procedure and would also like to meet with the Town Administrator.

Steve Shepherd replied that he call and set up an appointment. Mayor Hill added that appropriate staff would also be there.

John Carpenter inquired about several things including: Budget Review Meeting, GRTs, the status of the Waste Water Facility, salaries and positions.

Mayor Hill replied that the GRTs has been resolved. The State seems to do things in their own time. As for the Waste Water Facility, the Town recently met with the Engineers, for the Assessment Review, to get a handle on what's going on there. They are more stabilized and have made recommendations for changes. Mayor Hill added that the Budget Review is ongoing and will be reviewed on a continual basis.

Councilor Ring confirmed that the amount on the bottom line of the GRTs is actually from 2 months ago.

Councilor Abraham stated that "we" have been actively pursuing this since we noticed the first discrepancy.

Councilor Ring thanked Mr. Carpenter for coming forward with pertinent information.

Cindy Burke addressed the Council and Staff regarding the Zoning Map Amendment. She stated that this was approved by Council without herself or her neighbors being notified.

Tracy Sweat, Planning Assistant, replied that she used the owner of record from the Santa Fe County records. If their information is incorrect, she has no way of knowing.

Ms. Burke stated that she had contacted Santa Fe County and they had her address correct.

Mayor Hill suggest that Ms. Burke meet with the County Assessor to correct the situation and make sure the information is being forwarded to all Santa Fe County departments concerned.

Ms. Burke stated she would make an appointment with Ms. Sweat to make sure she has the correct information.

**8. PUBLIC HEARING.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Mayor Hill asked for certification that the Public Notice was posted as required. Estefanie Muller, Clerk-Treasurer, confirmed that it was.

**A. Proposed Ordinance No. 2015-02. An Ordinance Granting Zone Amendments to the Town of Edgewood, New Mexico Official Zone Map.**

Mayor Hill explained this was the final step for the adoption to be approved by Council. Steve Shepherd noted 2 typos that needed to be changed.

**MOTION:** Councilor Ring made a motion to approve the Zone Amendments to the Town of Edgewood, New Mexico Official Zone Map. Councilor Abraham seconded the motion.

Mayor Hill stated that the Town will work with MRCOG to do the cartography and create a new map and the Ordinance will be recorded with Santa Fe County. Mayor Hill opened the Public Hearing.

Jeremiah Turner stated he was a neighbor to one of the subject properties. He was not notified and the sign was posted 100 yards from the road. He was concerned about the R-S Zoning.

Tracy Sweat replied that there are requirements that she has to follow regarding the placement of the signs.

Mayor Hill stated the R-S zoning is a limited zoning. He suggested that Mr. Turner meet with staff for a more thorough explanation and to discuss his concerns.

John Bassett encouraged the Council to deny this approval based on the previous testimonies. He, also, felt that he should have been notified of the amendments. He noted that according to the property taxes the subject property is still in Santa Fe County.

Mayor Hill responded that there is no easy way to fix this. We are trying to be as accommodating as possible.

Mayor Hill closed the Public Hearing.

Cynthia Burke commented that it seemed as though the Town was rushing this through. Mayor Hill replied that it was not rushed. The staff has taken several months in their research and the process. They have been advised by Legal Counsel that this is the best way to handle this scenario.

**MOTION:** Councilor Abrams made a motion to call for a vote. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted nay. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

Mayor Hill called for the vote on the motion to approve the Zone Amendments to the Official Zone Map.

\_\_\_\_ Initials

**VOTE:** Councilor Abrams voted nay. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**9. PUBLIC HEARING.**

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Mayor Hill recused himself from this Public Hearing.

Mayor Pro-Tem Ring asked if the Public Notice had been posted as required.

Estefanie Muller certified that it had.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.**

**Confirmation of no conflict of interest or ex-parte communication.**

Councilor Simmons stated that she is a distant cousin to the applicant. She confirmed that there was not conflict of interest or ex-parte communication. There is no contiguous property and therefore, she could vote.

Councilor Abraham confirmed he had no conflict of interest or ex-parte communication.

Councilor Abrams confirmed he had no conflict of interest or ex-parte communication.

Mayor Pro Tem Ring confirmed he had no conflict of interest or ex-parte communication.

A. Proposed Ordinance No. 2015-04. Ralph & Susan Hill are requesting annexation for two lots Tracts, R-H-1 and R-H-2 located at 19 & 20 Cajun Lane, Edgewood, NM within the S ½ of SE ¼ of NW ¼ of Section 5 T10N R7E N.M.P.M. 18.873 Acres requesting R-2 Residential Zoning.

Mayor Pro Tem Ring read the proposed Ordinance and opened the Public Hearing.

There were no public comments.

Mayor Pro Tem Ring closed the Public Hearing.

**MOTION:** Councilor Abraham made a motion to approve the proposed Ordinance No. 2015-04. Ralph & Susan Hill are requesting annexation for two lots Tracts, R-H-1 and R-H-2 located at 19 & 20 Cajun Lane, Edgewood, NM within the S ½ of SE ¼ of NW ¼ of Section 5 T10N R7E N.M.P.M. 18.873 Acres requesting R-2 Residential Zoning. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

Mayor Hill resumed the meeting.

**10. PUBLIC HEARING. Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Mayor Hill asked if the Public Notice had been posted as required.

Estefanie Muller confirmed that it had.

\_\_\_\_ Initials

A. Proposed Ordinance No. 2015-03; An Ordinance Governing the Collection, Treatment, and Disposal of Wastewater Within the Town; Providing for Procedures and Policies for Obtaining Wastewater Service from the Town; Providing for the Authority of the Town and Providing for Fees and Penalties. Repealing Ordinance No. 2010-01 An Ordinance Providing for Connection to Wastewater Facilities of the Edgewood Sewer District; and Repealing Ordinance No. 2010-02. An Ordinance Governing the Wastewater and Sewage Disposal.

Mayor Hill stated the proposed Ordinance is for access and use. This is a draft of a very complex subject that deals with every resident in Edgewood.

Tappan Mahoney of Dennis Engineering reviewed the proposed ordinance. He explained that the fees are based on the ERU (Equivalent Residential Unit). He directed the attention to a table that captures a synopsis of how the fees are established. He added that in the New Mexico Administration Code, Section 20.7.3 has the means for calculations in a Resolution.

Mayor Hill stated that the Town needed to make a determination as to continue to have the fees as a separate document or to incorporate it into the Ordinance.

Attorney Chavez recommended that the sewer fees should be specified by an Ordinance. Mr. Mahoney asked a few questions for clarification.

Mayor Hill opened the Public Hearing.

Mr. John Bassett inquired about engineering fees and the need for them to be spelled out. Mr. Mahoney replied that General Provision, Section 2 specifically identifies Engineering fees. They are currently the hourly rate at the time of service.

A more in depth conversation pursued regarding connection fees, extension of lines, and permits vs. late fees.

**MOTION:** Councilor Abrams made a motion to continue this Public Hearing to the Council Meeting of June 17, 2015 Council Meeting. This will allow the engineer time to make the appropriate changes. Councilor Ring seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

Councilor Abrams requested that the document come back in the "typical" red line format.

#### 11. **MATTERS FROM THE ADMINISTRATOR/PLANNER.**

A. Approval to submit the 2015-2016 Interim Budget to the Department of Finance & Administration.

Steve Shepherd explained the proposed Budget is an accurate reflection of what was discussed at the workshops; the \$1500 was omitted for the state land lease for Section 32. A discussion of items changed will be included on the agendas for the June 3<sup>rd</sup>, and June 17<sup>th</sup> Council meetings. Not included in the budget was the match for the Municipal Arterial Program funding.

**MOTION:** Councilor Ring made a motion to approve the submittal of the 2015-2016 Interim Budget to the Department of Finance & Administration. Councilor Abrams seconded the motion.

\_\_\_\_ Initials

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May 20, 2015



**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**B. Award of Base Course Bid.**

Steve Shepherd reviewed the bids received. He stated that Staff recommends the award be given to Vulcan Materials, as they had the lowest bid overall.

**MOTION:** Councilor Ring made a motion to approve the Staff recommendation and award the contract for Base Course to Vulcan Materials. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**C. Approval of Professional Services Contract with Rhinehart & Associates P.C. as Public Defender for the Town of Edgewood Municipal Court.**

Steve Shepherd stated that the previous Public Defender was raising his rates. A Professional Service Contract has been drawn up with Rhinehart & Associates P.C. as a Public Defender for the Town of Edgewood. The contract will include traffic misdemeanors, which was not in our previous contract.

**MOTION:** Councilor Abraham made a motion to approve the contract for Rhinehart and Associates P.C. Councilor Ring seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**12. APPROVAL OF THE FINANCIAL REPORT FOR THE MONTH OF APRIL, 2015.**

Mayor Hill reiterated the corrections on the GRTs. He noted the significant increase.

**MOTION:** Councilor Simmons made a motion to accept the Financial Report for the month of April, 2015. Councilor Abraham seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye.  
Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**13. ANNOUNCEMENTS and/or CALENDAR REVIEW.**

A. Regular Council Meeting – June 3, 2015 @ 6:30 P.M.

B. Regular Council Meeting – June 17, 2015 @ 6:30 P.M.

**NOTE:** The Town Hall Offices will be closed on Monday, May 25, 2015 in observance of Memorial Day.

**14. FUTURE AGENDA ITEMS.**

Call for Public Hearing for Annexation.

**15. CLOSED SESSION.**

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(2) and (H)(7) the following will be discussed in Closed Session.

Limited Personnel Matters

Pending Litigation

\_\_\_\_ Initials

**MOTION:** Councilor Abrams made a motion to go in to Closed Session pursuant to NMSA 1978, 10-15-1 (H) (2) and (H) (7) Limited Personnel Matters and Pending Litigation. Councilor Abraham seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

**MOTION:** Councilor Abrams made a motion to come back to Open Session. Councilor Abraham seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

Councilor Abrams affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Councilor Ring affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Councilor Abraham affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Councilor Simmons affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Mayor Hill affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

**16. MOTION PER CLOSED SESSION.**

None.

**17. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn to meeting of May 20, 2015. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. Councilor Simmons voted aye. Motion carried.

Mayor Hill adjourned the meeting at 9:23 pm.

**PASSED, APPROVED and ADOPTED this 3<sup>rd</sup> day of JUNE, 2015.**

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Brad E. Hill, Mayor

**ATTEST:**

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Estefanie B. Muller, CMC, Clerk Treasurer

**DRAFT MINUTES**  
**TOWN OF EDGEWOOD**  
**PLANNING & ZONING MEETING – MAY 19, 2015**  
**EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER**

Madame Chair McGill called the meeting to order at 6:00 pm and asked for roll call to be taken.

Commissioner present were: Leonard Navarre, and Dan Thompson.

Commissioners not present were: Brad Gabel and Pat Markley. Also present were, Steve Shepherd, Town Administrator, Attorney Bob White, Tracy Sweat, Planning Associate, and Bonnie Pettee, Town Secretary.

**2. APPROVAL OF AGENDA.**

**MOTION:** Commissioner Thompson made a motion to approve the agenda as presented. Commissioner Navarre seconded the motion.

**VOTE:** Commissioner Thompson vote aye. Commissioner Navarre voted aye. Madame Chair McGill voted aye. The motion carried.

Commissioner Markley arrived at this time.

**3. APPROVAL OF THE MINUTES OF MAY 19, 2015**

**MOTION:** Commissioner Navarre made a motion to approve the minutes of the April 7, 2015 meeting. Commissioner Markley seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commission Navarre voted aye. Commissioner Markley voted aye. Madame Chair McGill voted aye. The motion carried.

**4. ANNEXATION REQUEST ENTRANOSA WATER & WASTEWATER COOPERATIVE ASSOCIATION.**

A. Request to annex property located at 284 Frost Road, Tract 4-A-3B with in the NE ¼ of the NE ¼ of Section 33, T11N, R7E, N.M.P.M., at 2.5 acres.

Madame Chair McGill clarified the duties of the Commission according to Annexation Ordinance 2006-11, Section 12, page 4. Commissioners are responsible to review the petition for consistency and then forward to the Council.

Steve Shepherd presented the Staff report and summarized, the applicant is seeking annexation of 1 lot, which is C-1 on Frost Road and Hwy 344. He added that the applicant would like to do this prior to the proposed Infill annexation.

Commissioner Markley stated the application seemed to be in order and is ready to go.

Madame Chair McGill commented that perhaps as this goes to Council, a dimensional drawing could be included that shows the easements on the property.

Tracy Sweat replied that she would include it in the Council packets.

Madame Chair McGill noted that the request was consistent with the Comprehensive Plan.

**MOTION:** Commissioner Thompson made a motion to forward the Annexation of property located at 284 Frost Road, Tract 4-A-3B with in the NE ¼ of the NE ¼ of Section 33, T11N, R7E, N.M.P.M., at 2.5 acres to Council. Commissioner Navarre seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commission Navarre voted aye. Commissioner Markley voted aye. Madame Chair McGill voted aye. The motion carried.

**5. GOVERNMENTAL CONDUCT TRAINING – ATTORNEY ROBERT WHITE – ROBLES, RAE & ANAYA**

Attorney White addressed the Commissioners on the Governmental Conduct Act. He stated the document governs the behavior of government officials and employees. The Open Meetings Act is a good starting point for procedures. He discussed “What Constitutes Improper Influence, Land Use law, Conflicts of Interest, Confidentiality in the Workplace, Honorarium for Services Rendered, and Political Activity in the Workplace”. He noted that the implementation of a Code of Ethics can be stricter, but not less than the Act. He commented on the Gift Act and Gifts to Charities. He closed by suggesting the Commissioners to read the Code and be familiar with it. He added that any of them could to contact him for advice. He noted that the upcoming Ethics training will add to this.

**6. PUBLIC COMMENTS. Limit 2 minutes per person.**

Mr. John Bassett added to what Attorney White stated, by encouraging them to be alert for people who want to talk to them about a specific case. He said they should refer them to staff to get their questions answered. Mr. Bassett also passed out an article on Tax Increment District at Santolina. He thought they might find it interesting.

**7. OLD BUSINESS.**

Performance Based Setback

Steve Shepherd stated that this concept is not used much. The Engineer would like to sit down with Madame Chair McGill and staff to further discuss this.

**8. NEW BUSINESS.**

Joint Training with the Governing Body on Procedures and Ethics. Date to be determined.

Steve Shepherd commented that the Council will meet tomorrow evening. He will address the issue of a scheduled date.

Madame Chair McGill inquired if the meeting would be scheduled on a week day or weekend.

Mr. Shepherd replied that it could be put together as a retreat.

**9. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.**

Commissioner Thompson inquired about the MRCOG Training on Friday, and where it was located.

Madame Chair McGill replied that directions would be sent out to all the Commissioners attending.

Commissioner Markley stated he was approached by a person to discuss some town related business. He recommended that they attend the P & Z meeting for discussion with all the Commissioners.

Madame Chair McGill asked Attorney White how to handle a tie vote.

Attorney White replied that a tied vote is a failed vote. In most cases, for a motion to carry, a majority plus one is required. It is best to defer the vote until you have all five members present.

**10. MATTERS OF THE STAFF.**

None.

**11. CALENDAR UPDATE.**

Next meeting is scheduled for June 2, 2015.

Tracy Sweat asked the Commissioners and Madame Chair McGill if they would like to cancel the meeting due to the lack of new business.

The Commissioners agreed to forego the June 2, 2015 meeting and meet again on June 16, 2015.

Attorney White commented that he didn't feel the need to be at every meeting now. So he will wait to hear from the Administration as to when he needs to attend.

**12. ADJOURN.**

**MOTION:** Commissioner Navarre made a motion to adjourn the meeting of May 19, 2015. Commissioner Markley seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commissioner Navarre voted aye. Commissioner Markley voted aye. Madame Chair McGill voted aye. The motion carried.

Madame Chair McGill adjourned the meeting at 7:00 pm.

**PASSED, APPROVED and ADOPTED this 16<sup>th</sup> day of JUNE, 2015.**

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Kay McGill, Chairperson, P & Z

**ATTEST:**

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Leonard Navarre, Secretary, P&Z

**RESOLUTION NO. 2015-09**

**A RESOLUTION ACCEPTING WEST WILLARD ROAD, EDGEWOOD, NEW MEXICO FOR ROAD MAINTENANCE**

The Town of Edgewood Governing Body in the Town of Edgewood, New Mexico, Santa Fe County, New Mexico by this resolution resolves and declares as follows:

**WHEREAS:** West Willard Road has been petitioned by the owners of record, is within the Town of Edgewood municipal boundaries and has been inspected;

**NOW, THEREFORE BE IT RESOLVED** that it is in the public interest that the dedicated public way, West Willard Road is hereby accepted by the Town of Edgewood for maintenance.

**PASSED, APPROVED and ADOPTED** this 3<sup>rd</sup> day of June, 2015.

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Brad E. Hill, Mayor

**ATTEST:**

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Estefanie B. Muller, CMC, Clerk-Treasurer

PETITION REQUESTING DEDICATION/MAINTENANCE OF RIGHT-OF-WAY OR  
EASEMENT

The Undersigned, being the true owner[s] of record in fee simple thereof, hereby offer[s]  
And petition[s] the Town of Edgewood to accept the express dedication of ~~maintaining~~ rest of  
West Willard Road road as a public road for all purposes, and to that end, the  
undersigned hereby [do does] certify:

1. LEGAL DESCRIPTION: \_\_\_\_\_ Road as platted in exhibit "A"
2. PROOF OF OWNERSHIP. The undersigned petitioners swear under penalty of law to be the owners of property abutting upon or contiguous to the above described road, right-of-way or easement.

Name: Alice Sobczak  
Address: 63 West Willard Rd  
Telephone: 505-385-5592

Name: Marilyn Sue West  
Address: 77 Moriarty Rd  
Telephone: 281-3612

Name: ~~Shannon Barcela~~  
Address: ~~74 B W. Willard Rd~~  
Telephone: ~~505-407-2383~~

Name: Melvin L. West  
Address: 77 Moriarty Rd.  
Telephone: 281-3612

Name: Frye Chavez  
Address: 53 W. Willard  
Telephone: 286-0559

Name: Carolyn D. Locke  
Address: 73 W. Willard Rd.  
Telephone: 286-7695

Name: Evelyn Vinogradov  
Address: 59 W. Willard Rd  
Telephone: 281-8837

Name: R. C. Hooper  
Address: 73 W. Willard Rd  
Telephone: 286-7625

Name: Robin Weber  
Address: 58 W. Willard Rd  
Telephone: (505) 720-5218

Name: Steven L. Vogel  
Address: 74 A. Willard Rd. West  
Telephone: 505-290-3714

Name: Shannon Barcela  
Address: 74 B W. Willard Rd  
Telephone: 407-2383

Name: Andrea Ohraan  
Address: 102 West Willard  
Telephone: 505-503-0770

Name: Shawn M. Ohraan  
Address: 102 W. Willard Rd  
Telephone: 505-263-3201

Name: Shawn Ohraan  
Address: 102 West Willard  
Telephone: 505-263-3201

*Call  
w/ Sarah  
220-3760*

Name: Gail Grantham  
Address: 07 Shetland  
Telephone: 505-281-5438

Name: Joyce E Grantham  
Address: 57 Shetland Rd Edgewood, NM 870  
Telephone: 505-281-5438

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## **Estefanie Muller**

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**From:** Norton Henninger  
**Sent:** Wednesday, April 29, 2015 10:07 AM  
**To:** Estefanie Muller  
**Cc:** Steve Shepherd  
**Subject:** Re: Road Review

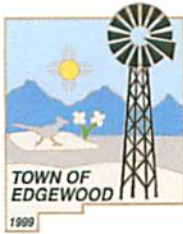
Also wanted to add that West Willard Road has no turn around area at the end. Thanks Norton

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**From:** Estefanie Muller  
**Sent:** Monday, April 27, 2015 12:14 PM  
**To:** Norton Henninger  
**Subject:** Road Review

Norton, please review the attached petition for road maintenance. Thanks, Estefanie

Estefanie B. Muller, CMC  
Clerk-Treasurer  
(505) 286-4518 Fax (505) 286-4519  
Edgewood, New Mexico 87015



## TOWN OF EDGEWOOD

*Where the Mountains Meet the Plains*

1911 Historic Route 66  
P.O. Box 3610  
Edgewood, NM 87015  
Phone: (505) 286-4518 Fax (505) 286-4519  
[www.edgewood-nm.gov](http://www.edgewood-nm.gov)

**To : Mayor Brad Hill**  
**Town of Edgewood Council**  
**Town of Edgewood**

**From : Steve Shepherd, Administrator** *SS*  
**Town of Edgewood**

**Date : May 29, 2015**

**Subject: Road Material RFP.**

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I made an error calculating the "Haul Charges" when I estimated the charges for Moriarty Concrete Products (MCP). I used a round trip figure for their estimate, instead of a one-way figure. In doing so, I overestimated the pricing for MCP.

At the Town Council meeting on May 20, 2015, I used the incorrect estimates to request the Council award the RFP to Vulcan Materials Company. The Council voted to award to RFP to Vulcan.

After the meeting, I was apprised of the mistake that I made by the Road Department Supervisor. I then recalculated the estimates, and the recalculation showed that the RFP should have been awarded to MCP.

Due to this error, I am requesting that the Town of Edgewood Council:

- A) Rescind and cancel the Road Materials bid award to Vulcan Materials Company.
- B) Award the Road Materials bid to Moriarty Concrete Products.

**Brad Hill**  
*Mayor*

**John Abrams**  
**Sherry Abraham**  
**Chuck Ring**  
**Rita Loy Simmons**  
*Town Councilors*

**Wm. H. White**  
*Municipal Judge*

**Stephen Shepherd**  
*Administrator*

**Estefanie Muller, CMC**  
*Clerk-Treasurer*

<b>Town of Edgewood Road Materials RFP  05/19/15</b>	<b>Road Base Course Material Per Ton</b>	<b>Hauling</b>	<b>Total Road Base Course Material Per Ton</b>	<b>Crusher Fines Material Per Ton</b>	<b>Hauling</b>	<b>Total Crusher Fines Material Per Ton</b>	<b>Engineered Fill Material Per Ton</b>	<b>Hauling</b>	<b>Total Engineered Fill Material Per Ton</b>	<b>Total</b>
<b>Moriarty Concrete Products</b>	9.50	8.96	18.46	11.25	8.96	20.21	6.25	8.96	15.21	53.88
<b>Vulcan Materials Company</b>	7.75	8.80	16.55	12.00	8.80	20.80	6.00	8.80	14.80	52.15
<b>Estimated Total Use</b>	7,500	7,500	7,500	100	100	100	3,500	3,500	3,500	
<b>Moriarty Concrete Products</b>	71,250.00	67,200.00	138,450.00	1,125.00	896.00	2,021.00	21,875.00	31,360.00	53,235.00	193,706.00
<b>Vulcan Materials Company</b>	58,125.00	66,000.00	124,125.00	1,200.00	880.00	2,080.00	21,000.00	30,800.00	51,800.00	178,005.00

Town of Edgewood Road Materials RFP	Road Base Course Material Per Ton	Hauling	Total Road Base Course Material Per Ton	Crusher Fines Material Per Ton	Hauling	Total Crusher Fines Material Per Ton	Engineered Fill Material Per Ton	Hauling	Total Engineered Fill Material Per Ton	Total
UPDATE 06/03/15										
Moriarty Concrete Products	9.50	5.60	15.10	11.25	5.60	16.85	6.25	5.60	11.85	43.80
Vulcan Materials Company	7.75	8.80	16.55	12.00	8.80	20.80	6.00	8.80	14.80	52.15
Estimated Total Use	7,500	7,500	7,500	100	100	100	3,500	3,500	3,500	
Moriarty Concrete Products	71,250.00	42,000.00	113,250.00	1,125.00	560.00	1,685.00	21,875.00	19,600.00	41,475.00	156,410.00
Vulcan Materials Company	58,125.00	66,000.00	124,125.00	1,200.00	880.00	2,080.00	21,000.00	30,800.00	51,800.00	178,005.00



## CUSTOMER QUOTATION

TO: EDGEWOOD, TOWN OF PROJECT: Road Base Course  
ATTN: Project #  
BID DATE: 05/18/15 LOCATION: Various locations

Qty Tons	Product Code	Description	F.O.B.	Unit Price
	16345	1" Base Course, NMDOT	Placitas	\$7.75
	30072	Crusher Fines	Placitas	\$12.00
	66210	Engineered Fill	Santa Ana	6.00
HAUL AVAILABLE AT THE FOLLOWING RATES: (Based on full semi or tandem loads)			Semi \$8.8	Tandem \$12.9

All references to tons on this quotation will be to *short tons*, i.e., 2000 pounds each. To convert unit prices to *metric tons* multiply by 1.10.

This quotation, unless accepted by the recipient via purchase order or other written "intent to purchase", expires 30 days from the date above.

All prices are subject to the terms and conditions stated on the following page of this proposal. The above prices do not include taxes or bonds. We do not assume liability for roadway density. Pay reductions, if any, are per this quoted price and not contractor's quoted price.

**Off-Hours:** For off-hours service, the hot mix prices will increase \$3.00 per ton and the haul charge will increase by 50%.

**Off-hours** is defined as service requested between the hours of 6:00 PM through 6:00 AM Monday through Friday and weekends. Closed Saturdays November through mid-March. Minimum Off-Hours charge will be based on 400 tons or \$3.00 per ton, whichever is greater. A 48-hour advance notice is required. A 12 hour cancellation notice is required to avoid off-hours charges.

Ken Kugler  
Asphalt / Aggregate Dist. Sales Manager

## GENERAL TERMS AND CONDITIONS

### PRICES AND TERMS

Prices are based on the terms and conditions set forth on page 1 of this Quotation, of which these General Terms and Conditions form a part, the terms and conditions stated in Customer's Application for Business Credit, and, if applicable, any terms and conditions relating to the delivery or shipment of materials by truck, barge, vessel, rail or other means which are provided by Vulcan to Customer in addition to this Quotation (each, a "Vulcan Sales Document", and collectively, the "Vulcan Sales Documents"). Prices are available only to the customer specifically named therein, and are only for the quantities mentioned in such Quotation or Sales Order plus or minus 10% of such quantities. A charge of 1.5% per month, (18% annum), will accrue on a daily basis from the date of invoice and will continue to accrue on a daily basis on any unpaid balance, both before and after judgment, until the date the balance is paid in full, or at the maximum amount permitted by law in which the sale occurred, whichever is less. However, the assessment of a finance charge on invoices paid in full by the payment due date will be waived. Quotation is offered for furnishing the total aggregate requirements for the project only. Customer's contract with Vulcan regarding the sale by Vulcan to Customer of the materials listed in this Quotation is subject to the terms and conditions set forth in the Vulcan Sales Documents. Prices reflect Customer's acceptance of materials at the quoted plant based upon gradation analysis performed and reported by Vulcan's certified plant quality control personnel. Any penalties that result from in place sampling shall be the full responsibility of Customer.

### THE TERMS AND CONDITIONS OF THE VULCAN SALES DOCUMENTS GOVERN THE RIGHTS AND OBLIGATIONS OF THE PARTIES

If Customer has issued a purchase order for the materials quoted by Vulcan in this Quotation, this Quotation is not an acceptance of said purchase order, or any of its terms or conditions, which are hereby rejected. Any sale by Vulcan to Customer of the materials listed in this Quotation shall be subject to the terms and conditions set forth in the Vulcan Sales Documents, and Customer's receipt or acceptance of said materials shall constitute acceptance of the offer that this Quotation constitutes. Any terms or conditions of a subsequent purchase order issued by Customer that are inconsistent with the terms and conditions of the Vulcan Sales Documents shall be null and void.

### SHIPMENT AND DELIVERY

Unless a "delivered" price is quoted by Vulcan in the Vulcan Sales Documents, all prices are F.O.B. point of shipment from the locations designated. All taxes applicable to the sale or delivery of materials that are not paid directly by Customer will be added to the sales price, invoiced to and paid by Customer, unless Customer provides Vulcan with satisfactory evidence of exemption from same. Shipment will be in accordance with Customer's reasonable instructions or, if none, then by whatever means Vulcan shall deem practicable. The quantities of material delivered to Customer shall be conclusively presumed to be the quantities shown on the tickets produced from a certified weigh scale at Vulcan's quarry or sales yard.

### CREDIT AND DEFAULT

Vulcan shall have no obligation to ship or deliver except upon its determination prior to each shipment or delivery that Customer is worthy of the credit to be extended and is not in default upon any obligation to Vulcan. Upon default, Customer agrees to pay all of Vulcan's collection expenses, including attorneys' fees.

### INSURANCE

A Memorandum of Insurance containing current information regarding Vulcan's insurance program is available at <http://www.marsh.com/moi?client=DJ56>.

### EXCULPATORY PROVISIONS

Vulcan shall have no liability for delay or failure to make shipments, or delivery, as a result of strikes, labor problems, severe weather conditions, casualty, mechanical breakdown or other conditions beyond Vulcan's reasonable control. In no event shall Vulcan be liable for any incidental or consequential damages. Vulcan's liability and Customer's exclusive remedy for any cause of action arising out of the provision of material quoted herein shall be the replacement of, or payment of the purchase price for, the materials which are the subject of this Quotation.

### CHANGE OF TERMS

Vulcan may change the price and/or quantity upon 30 days' notice to Customer. Vulcan shall also have right to change, modify or amend any other terms and conditions upon written notice of such change to customer. The effect of the change shall be as stated in the written notice and accepted by Customer upon placing of orders with seller following receipt of such notice.

### APPLICABLE LAW

All orders are subject to acceptance by Vulcan at the headquarters of its Mountain West Division in Phoenix, Arizona, and the laws of the state in which the materials was shipped from shall apply to the sale of all materials subject hereto. In the event material is imported into the U.S., the law in the state in which the material was sold to the customer will prevail. All disputes regarding finance charges shall be governed by Alabama law.

### LIMITED WARRANTY AND WARRANTY DISCLAIMER

Vulcan warrants for a period of one (1) year from date of delivery only that the material sold hereunder substantially complies with Vulcan's specifications for said material or the specifications set forth in Vulcan's quotation. **VULCAN HEREBY EXCLUDES ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR ANY PURPOSE, AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, OF THE MATERIAL SOLD HEREUNDER, OTHER THAN THE EXPRESS WARRANTY STATED ABOVE.** In addition, except to the extent otherwise set forth in the specifications described above, Vulcan makes no warranty whatsoever with respect to specific gravity, absorption, whether the material is innocuous, non-deleterious, or non-reactive, or whether the material is in conformance with any plans, other specifications, regulations, ordinances, statutes, or other standards applicable to Customer's job or to said material as used by Customer. **VULCAN SHALL IN NO EVENT BE RESPONSIBLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGE CAUSED BY NON-COMPLIANCE OF THE MATERIAL WITH SPECIFICATIONS, OR FOR ANY DEFECTS IN THE MATERIAL SOLD HEREUNDER.**



May 15, 2015

Town of Edgewood  
P.O. Box 3610  
Edgewood, NM 87015

Re: 2015 Road Base Course Bid

Moriarty Concrete Products is pleased to quote as follows on the above named project. This quote does not include taxes or bonds. The quotation expires in 30 days from the date hereof.

1" Crushed Base Course (Type I, IIB)	-	\$9.50 per ton
1/4" Manufactured Crusher Fines	-	\$11.25 per ton
1/2" minus Engineered Fill	-	\$6.25 per ton
Freight (Hauling)	-	\$0.28 per ton mile

The location of the material is at the MCP quarries which is appx. 16 miles from the Edgewood Interchange.

If you need further information or have questions, please contact me at 832-5251.

Sincerely,

Don Wallin  
Moriarty Concrete Products Inc.